

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMOND CAMPBELL,

Plaintiff,

-against-

CORRECTIONAL OFFICER TREW,
CORRECTIONAL OFFICER MURPHY

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/23/2021

No. 18 cv 5507 (NSR)

ORDER GRANTING REQUEST FOR
PRO BONO TRIAL COUNSEL

NELSON S. ROMÁN, United States District Judge:

Plaintiff Demond Campbell (“Plaintiff”) commenced this *pro se* action asserting claims pursuant to 42 U.S.C. § 1983 (“Section 1983”) against Correctional Officer (“C.O.”) Timothy Trew (“C.O. Trew”) and C.O. Patrick Murphy (“C.O. Murphy”) (collectively, “Defendants”), who Plaintiff alleges sexually assaulted him in violation of the Fourth and Eighth Amendments. (Compl. (ECF No. 1.)) On July 30, 2021 the Court denied Defendants’ motion for summary judgment. (ECF No. 82.) During the parties’ status conference on September 21, 2021, Plaintiff expressed interest in the Court appointing *pro bono* counsel.

As Plaintiff has Fourth and Eighth Amendment claims that survived summary judgment, this Court concludes that Plaintiff’s claims “seem[] likely to be of substance.” *Hodge v. Police Officers*, 802 F.2d 58, 60 (2d Cir. 1986). If the matter is not settled quickly, it will be scheduled for trial and appointment of counsel would “lead to a quicker and more just result by sharpening the issues and shaping examination.” *Id.* at 61. Accordingly, the Court GRANTS Plaintiff’s request that the Court issue an order granting his request for *pro bono* trial counsel.

The Court advises Plaintiff that there are no funds to retain counsel in civil cases and the Court relies on volunteers. Due to a scarcity of volunteer attorneys, a lengthy period of time may pass before counsel volunteers to represent Plaintiff. Nevertheless, this litigation will progress at

a normal pace. If an attorney volunteers, the attorney will contact Plaintiff directly. There is no guarantee, however, that a volunteer attorney will decide to take the case, and Plaintiff should be prepared to proceed with the case *pro se*. Of course, if an attorney offers to take the case, it is entirely Plaintiff's decision whether to retain that attorney or not. The Court has established a Pro Bono Fund to encourage greater attorney representation of *pro se* litigants. The Fund is especially intended for attorneys for whom pro bono service is a financial hardship. *See* http://www.nysd.circ2.dcn/docs/prose/pro_bono_fund_order.pdf.]

The Court reminds the parties that they are to appear telephonically at the next scheduled status conference on November 23, 2021 at 2:00 PM. The Clerk of Court is directed to mail a copy of this Order to Plaintiff at the address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: September 23, 2021
White Plains, New York



NELSON S. ROMÁN
United States District Judge